

#14

Office Action SummaryApplication No.
08/902,153

Applicant(s)

Hashimoto

Examiner

Sam Bhattacharya

Group Art Unit

2682☒ Responsive to communication(s) filed on Sep 7, 2000☒ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim☒ Claim(s) 1-27, 32, and 33 is/are pending in the applicant

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1-27, 32, and 33 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☒ The proposed drawing correction, filed on 9/7/00 is ☒ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) _____☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☐ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The proposed drawing correction filed on September 7, 2000 has been approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 10, 11, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo et al. (US 4,731,613).

Regarding **claims 1, 2, 10, 11, 32 and 33**, Endo et al. disclose a position system for a vehicle (Fig. 4) wherein information from a positioning system is acquired in an information terminal and is processed in a central system shown as position computation apparatus 23 so as to manage information on a position of the information terminal, comprising a plurality of kinds of positioning systems including a Global Positioning

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System (GPS) and radio equipment which uses radio waves to determine the position of the information terminal and , wherein the system uses a built-in device to provide an alternative positioning system based on position data, propagation delay time data and shifted vector amount when the GPS system becomes unavailable as a result of line-of-sight problems (col. 1, lines 30-40 and col. 9, line 36 - col. 10, line 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 4, ^{6-9, 12-13}~~6-13~~ and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (US 4,731,613) in view of Mansell et al. (US 5,223,844).

Regarding **claims 3, 4, 12, 13 and 19**, Endo et al. fail to disclose a third party which Mansell et al. already disclose a third party that can acquire the position of a holder of said information terminal through the central system.

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However, Mansell et al. disclose a vehicle tracking and security system (Fig. 1) wherein a third party, such as any one of mobile units 100B-100D which have portable telephones with antennas, can acquire the position of a holder of the information terminal through a central system shown as control center 150. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Endo et al. by providing the position of the holder to a third party as taught by Mansell et al. for the purpose of allowing the third party the convenience of meeting the vehicle at the vehicle's location if desired.

Regarding **claims 6-9 and 15-18**, Mansell et al. further disclose map data in Fig. 11 which is downloaded from the central control center 150 and can be stored on an IC card for a certain period of time if desired, and which contains the current position of said information terminal and a position of the destination. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Endo et al. by including the position of the terminal on a map and storing the information as further taught by Mansell et al. for the purpose of allowing a user to access the stored information apart from the vehicle.

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Regarding **claim 20**, Mansell et al. further disclose the limitation of obtaining current position information means for transmitting the position information obtained by said position information acquisition means, to another equipment such as police 160. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Endo et al. by transmit the position information to a police as further taught by Mansell et al. for the purpose of notifying the police of the position of the vehicle in an emergency situation.

Claims 21 and 22 are incorporated by the limitations of claims 6 and 20 and are therefore analyzed as discussed with respect to claims 6 and 20.

Claim 23 is incorporated by the limitations of claims 3 and 20 and is therefore analyzed as discussed with respect to claims 3 and 20.

Claims 24 and 25 are incorporated by the limitations of claim 3 and furthermore recite the limitation of registering the current position of the terminal, which Mansell et al. already disclose in Fig. 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Endo et al. in view of Mansell et

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al. by registering the current position of the terminal so that the terminal can receive data on the services available in the system with which the terminal is registered.

Claims 26 and 27 are incorporated by the limitations of claims 6 and 24 are therefore analyzed as discussed with respect to claims 6 and 24.

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansell et al. (US 5,223,844) in view of Hikuma et al. (US 5,426,690).

Regarding **claims 5 and 14**, Endo et al. as modified by Mansell et al. fail to specifically disclose the limitation of transmitting a notifying signal when a position is out-of-range.

However, Hikuma et al. discloses a radio telephone systems wherein when a user moves outside the operational area of a portable telephone unit, which corresponds to a fixed subscriber location which is not fixed on a base station, an alarm is sent to the user to notify him of the fact (col. 6, lines 14-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Endo et al. in view of Mansell et al. by including the limitations of

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Hikuma et al. so that an out-of-range unit can restore normal communication.

Response to Arguments

7. Applicant's arguments filed on August 29, 2000 have been fully considered but they are not persuasive.

Applicant argues that Endo fails to disclose "a plurality of different kinds of positioning systems" and the ability to automatically select one positioning system when another is unavailable. Examiner respectfully disagrees and responds that because Endo uses a built-in device to provide an alternative positioning system when the GPS system becomes unavailable as a result of line-of-sight problems, Endo effectively provides different kinds of positioning systems, each with its own radio equipment and using corresponding radion waves.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, **Or:** (703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 305-4040. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reinhard Eisenzopf, can be reached at (703) 305-4711.

10. Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-3900.

SB:sb

November 30, 2000

Nguyen Vo
12/2/00
NGUYEN T. VO
PRIMARY EXAMINER